

**IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION**

SYMBOLOGY INNOVATIONS, LLC	§	
	§	
Plaintiff,	§	Case No: 2:15-cv-01169-JRG-RSP
	§	
vs.	§	LEAD CASE
	§	
ADAMS EXTRACT	§	
	§	
Defendant.	§	
	§	
<hr style="width: 40%; margin-left: 0;"/> SYMBOLOGY INNOVATIONS, LLC	§	
	§	
Plaintiff,	§	Case No: 2:15-cv-01183-JRG-RSP
	§	
vs.	§	CONSOLIDATED CASE
	§	
LVMH WATCH & JEWELRY USA, INC.	§	
	§	
Defendant.	§	
<hr style="width: 40%; margin-left: 0;"/>	§	

**PLAINTIFF SYMBOLOGY INNOVATIONS, LLC’s ANSWER  
TO COUNTERCLAIMS OF DEFENDANT LVMH WATCH  
& JEWELRY USA, INC.**

Plaintiff Symbology Innovations, LLC (“Symbology”) respectfully submits this Answer to the counterclaims asserted by LVMH Watch & Jewelry USA, Inc. (“LVMH”) in its Answer, Affirmative Defenses, and Counterclaims to Plaintiff’s Complaint (“Answer”).

**LVMH’S COUNTERCLAIMS**

**PARTIES**

1. Symbology is without knowledge or information sufficient to form a belief as to the truth of the allegations contained in paragraph 1, and therefore denies the same.
2. Symbology admits the allegations contained in paragraph 2.

**JURISDICTION**

3. Symbology incorporates its responses to paragraphs 1-2 herein.

4. Symbology admits that LVMH's counterclaims are being made under U.S.C., Title 35 and that jurisdiction is proper in this Court. Symbology denies the remaining allegations contained in paragraph 4.

5. Symbology admits the allegations contained in paragraph 5.

6. Symbology admits that venue is proper in this District. Symbology denies the remaining allegations contained in paragraph 6.

### **COUNT I**

#### **DECLARATION REGARDING NON-INFRINGEMENT**

7. Symbology incorporates its responses to paragraphs 1-6 herein.

8. Symbology admits that an actual controversy has arisen and now exists as to whether LVMH infringes claim 1 of any of the '752, '369, or '190 Patents. Symbology denies the remaining allegations contained in paragraph 8.

9. Symbology admits that LVMH seeks a declaratory judgment of non-infringement of the '752, '369, and '190 Patents. Symbology denies the remaining allegations contained in paragraph 9.

### **COUNT II**

#### **DECLARATION REGARDING INVALIDITY**

10. Symbology incorporates its responses to paragraphs 1-9 herein.

11. Symbology admits that an actual controversy has arisen and now exists between the parties as to the validity of at least claim 1 of each of the '752, '369, and '190 Patents. Symbology denies the remaining allegations contained in paragraph 11.

12. Symbology admits that LVMH seeks a declaratory judgment of invalidity of the '752, '369, and '190 Patents. Symbology denies the remaining allegations contained in

paragraph 12.

**PRAYER FOR RELIEF**

To the extent that any response is required to the Prayer for Relief, Symbology denies that LVMH is entitled to judgment or any of the relief it has requested.

Dated: October 30, 2015

Respectfully submitted,

*/s/ Jay Johnson*

**JAY JOHNSON**

State Bar No. 24067322

**BRAD KIZZIA**

State Bar No. 11547550

**ANTHONY RICCIARDELLI**

State Bar No. 24070493

**KIZZIA JOHNSON PLLC**

750 N. St. Paul Street, Suite 1320

Dallas, Texas 75201

(214) 613-3350

Fax: (214) 613-3330

jay@kjpllc.com

bkizzia@kjpllc.com

anthony@brownfoxlaw.com

**ATTORNEYS FOR PLAINTIFF**

**CERTIFICATE OF SERVICE**

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on October 30, 2015.

*/s/ Jay Johnson*

Jay Johnson